

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE:

OPENAI, INC.,
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25-md-3143 (SHS) (OTW)

Hon. Sidney H. Stein
Hon. Ona T. Wang

This Document Relates To:

NYT v. Microsoft et al., No. 23-cv-11195

STIPULATION AND [PROPOSED] ORDER

This stipulation is entered into between Plaintiff The New York Times Company (“The Times”) and Defendant OpenAI.

WHEREAS, on July 29, 2025, OpenAI filed a motion challenging certain privilege assertions by The Times (ECF No. 375);

WHEREAS, on August 15, 2025, the Court directed The Times to provide a supplemental privilege log for three of the documents in dispute by August 15, 2025 (ECF No. 459);

WHEREAS, on August 15, 2025, The Times provided a privilege log with entries for redacted copies of two of the presentations at issue in OpenAI’s motion and confirmed that it was not claiming privilege over the training module at issue in OpenAI’s motion;

WHEREAS, on August 21, 2025, The Times produced three documents at issue in OpenAI’s motion, including (i) a redacted copy of a presentation entitled “Generative AI Update” (Bates NYT_00906418), (ii) a redacted copy of a presentation entitled “Update on Generative AI” (Bates NYT_00906485), and (iii) an unredacted training entitled “Responsible Use of Company-Approved Generative AI Tools at The New York Times” (Bates NYT_00906569);

WHEREAS, The Times has confirmed that there are additional drafts and communications related to these documents which they continue to withhold pursuant to claims of privilege, but which were not included on The Times’s August 15, 2025 supplemental privilege log;

WHEREAS OpenAI reserves all rights as to these forthcoming log entries;

NOW THEREFORE, The Times and OpenAI stipulate that, upon the Court’s approval of the stipulation:

1. OpenAI will not seek *in camera* review of the two redacted documents The Times logged on August 15, 2025;
2. No further briefing is necessary as to the three specific documents The Times produced on August 21, 2025;
3. The Times will log any additional drafts or communications related to the presentations and training module at issue in OpenAI's motion in its final privilege log, which is due August 27, 2025;
4. The Times will identify the specific log entries for these additional documents to OpenAI by September 2, 2025, so that the parties can continue meet and confer over these additional entries;
5. The parties will inform the Court if further briefing is necessary as to those additional entries after completion of meet and confer.

IT IS SO STIPULATED, through Counsel of Record.

Dated: August 22, 2025

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SO ORDERED this 25th day of August, 2025.



Hon. Ona T. Wang
United States Magistrate Judge